

REMARKS

Claims 1-18 are pending in this application. Claims 1-7 and 13-18 stand rejected. Claims 8-12 have been withdrawn from consideration. In light of the remarks set forth below, Applicants respectfully submit that each of the pending claims is in immediate condition for allowance.

Claims 1-7 and 13-18 stand rejected under 35 U.S.C. § 102(a) as being anticipated by, or in the alternative, as obvious under 35 U.S.C. § 103(a) in view of U.S. Patent No. 6,558,273 ("Kobayashi"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

Disclosed and claimed is a metal golf club head, where the hardness of the metal itself differs at the center portion and at the peripheral portion of the face member. To obtain this feature, as clearly described in independent claims 1 and 2, "the face member is subjected to a heat treatment process, including an aging treatment, prior to the welding process in which the other members of the golf club are welded to the face member." That is, the heat treatment process is carried out to the face member prior to welding the face member to the other members and, thereafter, the other members such as the sole, the crown and the hosel members are welded to the face member

(having been subjected to the heat treatment) at its peripheral portion to form a golf club.

In contrast, Kobayashi (USP 6,558,273) discloses the aging treatment is performed after the golf club head is assembled by welding the other members, such as body member 17 and the crown member 18 to the face member 16.

The Examiner asserts that "there is no distinctive structural characteristics to the final product of the golf club head whether the face member is subject to heat treatment prior to welding versus welding club parts prior to heat treatment" (see the Office Action, on page 3, lines 9 to 12). Applicant respectfully disagrees.

The specification of the present invention describes the distinctive structural characteristics to the final product of the golf club head. Namely, the distinctive structural characteristics in hardness distribution in the face member of the present invention compared to the prior art is described in the specification on page 12, line 1 from the bottom, *et seq.* with reference to FIGS. 2B and 3B. In the description, comparative examples 1 and 2 are golf club heads in which the aging treatment is performed after the club head is assembled. That is, comparative examples 1 and 2 are made in a manner equivalent to that disclosed in Kobayashi. Thus, the comparative examples 1 and 2 are considered to correspond to the golf club head shown in Kobayashi.

As shown in FIGS. 2B and 3B, the claimed golf club head (Examples 1 and 7) has the hardness distribution in which the peripheral portion has lower Vickers hardness than that of central portion of the face member while the head of comparative examples has substantially the same Vickers hardness across the peripheral and central portions. Owing to the hardness distribution, the golf club head of the present invention shows

excellent characteristics in flight distance and durability as described in the specification in detail.

Thus, the golf club head of the present invention has the distinctive structural characteristics compared to the comparative examples which are considered to be equivalent to the Kobayashi's golf club head. Therefore, the present claims are not anticipated or obvious over Kobayashi.

Newly cited reference, Tung (USP 6,079,612) merely discloses the heat treatment process to plate materials before the die forging (see column 2, line 3, et seq.) and, therefore, is irrelevant to the technical feature of the present invention.

Applicants have responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Application No.: 10/067,324

Docket No.: X2007.0095

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

By

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